

## Department of Energy

## § 431.122

nameplate of an electric motor for which standards are prescribed in § 431.42 must be marked clearly with the following information:

(i) The motor's nominal full load efficiency (as of the date of manufacture), derived from the motor's average full load efficiency as determined pursuant to subpart B of this Part; and

(ii) A Compliance Certification number ("CC number") supplied by DOE to the manufacturer or private labeler, pursuant to section 431.123(e), and applicable to that motor. Such CC number must be on the nameplate of a motor beginning 90 days after either:

(i) A Compliance Certification number ("CC number") supplied by DOE to the manufacturer or private labeler, pursuant to § 431.123(e), and applicable to that motor. Such CC number must be on the nameplate of a motor beginning 90 days after either:

(A) The manufacturer or private labeler has received the number upon submitting a Compliance Certification covering that motor, or

(B) The expiration of 21 days from DOE's receipt of a Compliance Certification covering that motor, if the manufacturer or private labeler has not been advised by DOE that the Compliance Certification fails to satisfy § 431.123.

(2) *Display of required information.* All orientation, spacing, type sizes, type faces, and line widths to display this required information shall be the same as or similar to the display of the other performance data on the motor's permanent nameplate. The nominal full load efficiency shall be identified either by the term "Nominal Efficiency" or "Nom. Eff." or by the terms specified in paragraph 12.58.2 of NEMA MG1-1993, as for example "NEMA Nom. Eff. \_\_\_\_\_." The DOE number shall be in the form "CC \_\_\_\_\_."

(3) *Optional display.* The permanent nameplate of an electric motor, a separate plate, or decalcomania, may be marked with the encircled lower case letters "ee", for example,



or with some comparable designation or logo, if the motor meets the applicable standard prescribed in § 431.42, as

determined pursuant to subpart B of this part, and is covered by a Compliance Certification that satisfies § 431.123.

(b) *Disclosure of efficiency information in marketing materials.* (1) The same information that must appear on an electric motor's permanent nameplate pursuant to paragraph (a)(1) of this section, shall be prominently displayed:

(i) on each page of a catalog that lists the motor, and

(ii) in other materials used to market the motor.

(2) The "ee" logo, or other similar logo or designations, may also be used in catalogs and other materials to the same extent they may be used on labels under paragraph (a)(3) of this section.

### § 431.83 Preemption of state regulations.

The provisions of this subpart E supersede any State regulation to the extent required by section 327 of the Act. Pursuant to the Act, all State regulations that require the disclosure for any electric motor of information with respect to energy consumption, other than the information required to be disclosed in accordance with this part, are superseded.

## Subpart F [Reserved]

## Subpart G—Certification and Enforcement

### § 431.121 Purpose and scope.

The regulations in this subpart set forth the procedures for manufacturers to certify that electric motors comply with the applicable energy efficiency standards set forth in subpart C of this part, and set forth standards and procedures for enforcement of this part and the underlying provisions of the Act.

### § 431.122 Prohibited acts.

(a) Each of the following is a prohibited act pursuant to sections 332 and 345 of the Act:

(1) Distribution in commerce by a manufacturer or private labeler of any new covered equipment which is not labeled in accordance with an applicable labeling rule prescribed in accordance

with section 344 of the Act, and in this part;

(2) Removal from any new covered equipment or rendering illegible, by a manufacturer, distributor, retailer, or private labeler, of any label required under this part to be provided with such equipment;

(3) Failure to permit access to, or copying of records required to be supplied under the Act and this part, or failure to make reports or provide other information required to be supplied under the Act and this part;

(4) Advertisement of covered equipment, by a manufacturer, distributor, retailer, or private labeler, in a catalog from which the equipment may be purchased, without including in the catalog all information as required by § 431.82(b)(1), provided, however, that this shall not apply to an advertisement of covered equipment in a catalog if distribution of the catalog began before the effective date of the labeling rule applicable to that equipment;

(5) Failure of a manufacturer to supply at his expense a reasonable number of units of an electric motor to a test laboratory designated by the Secretary;

(6) Failure of a manufacturer to permit a representative designated by the Secretary to observe any testing required by the Act and this part, and to inspect the results of such testing; and

(7) Distribution in commerce by a manufacturer or private labeler of any new covered equipment which is not in compliance with an applicable energy efficiency standard prescribed under the Act and this part.

(b) In accordance with sections 333 and 345 of the Act, any person who knowingly violates any provision of paragraph (a) of this section may be subject to assessment of a civil penalty of no more than \$110 for each violation. Each violation of paragraphs (a)(1), (2), and (7) of this section shall constitute a separate violation with respect to each unit of covered equipment, and each day of noncompliance with paragraphs (a)(3) through (6) of this section shall constitute a separate violation.

(c) For purposes of this section:

(i) the term “new covered equipment” means covered equipment the title of which has not passed to a pur-

chaser who buys such equipment for purposes other than:

(i) reselling such equipment, or  
(ii) leasing such equipment for a period in excess of one year; and

(2) The term “knowingly” means:

(i) the having of actual knowledge, or  
(ii) the presumed having of knowledge deemed to be possessed by a reasonable person who acts in the circumstances, including knowledge obtainable upon the exercise of due care.

#### § 431.123 Compliance certification.

(a) *General.* Beginning on the compliance date specified in paragraph (g) of this section, a manufacturer or private labeler shall not distribute in commerce any basic model of an electric motor which is subject to an energy efficiency standard set forth in subpart C of this part unless it has submitted to the Department a Compliance Certification certifying, in accordance with the provisions of this section, that the basic model meets the requirements of the applicable standard. The representations in the Compliance Certification must be based upon the basic model's energy efficiency as determined in accordance with the applicable requirements of subpart B of this part. This means, in part, that either:

(1) the representations as to the basic model must be based on use of a certification organization, or

(2) any testing of the basic model on which the representations are based must be conducted at an accredited laboratory.

(b) *Required contents.* (1) *General representations.* Each Compliance Certification must certify that:

(i) The nominal full load efficiency for each basic model of electric motor distributed is not less than the minimum nominal full load efficiency required for that motor by section § 431.42;

(ii) All required determinations on which the Compliance Certification is based were made in compliance with the applicable requirements prescribed in subpart B of this part;

(iii) All information reported in the Compliance Certification is true, accurate, and complete; and